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Rep. Dale Sturtz, Chair
Rep. Ralph Foley
Sen. Patricia Miller, Vice Chair
Sen. Anita Bowser

Lay Members:

John von Arx
Jim Brewer
Mary Beth Bonaventura
Glenn Boyster
Robert Chamness
Steve Cradick
Chris Cunningham
Sharon Duke
Lance Hamner
Craig Hanks
Joe Hooker
Iris Kiesling
David Matsey
Dave Powell
Madonna Roach
Thomas Ryan

LSA Staff:

Mark Bucherl, Fiscal Analyst for the Committee
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PROBATION SERVICES STUDY COMMITTEE

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MEETING MINUTES

Meeting Date:	August 27, 1998
Meeting Time:	1:00 P.M.
Meeting Place:	State House, 200 W. Washington St., Room 404
Meeting City:	Indianapolis, Indiana
Meeting Number:	2

Members Present: Rep. Dale Sturtz, Chair; Rep. Ralph Foley; Sen. Patricia Miller, Vice-Chair; Mary Beth Bonaventura; Jim Brewer; Robert Chamness; Chris Cunningham; Sharon Duke; Lance Hamner; Craig Hanks; Joe Hooker; Iris Kiesling; Dave Powell; Madonna Roach; Thomas Ryan; John von Arx.

Members Absent: Glenn Boyster; Steve Cradick; David Matsey; Sen. Anita Bowser.

The meeting began at 1:13 p.m. The July 16 meeting minutes were amended to reflect the presence of David Matsey and approved.

General Probation Statistics in Indiana

Jeff Bercovitz, Indiana Judicial Center (IJC), gave a presentation of probation data collected by the Center and distributed a binder containing the following sections. (1) Indiana Probation Standards; (2) Schedule of Minimum Salaries for Probation Officers; (3) Standard Indiana Presentence Investigation Report; (4) Standard Indiana Preliminary Inquiry & Predispositional Report; (5) Sentencing Guidelines; (6) Probation Classification & Workload Measures System for Indiana; (7) Substance Abuse Screening Instrument; (8) Probation Guidelines; (9) Indiana Interstate Compact for Probation; and (10) 1997 Indiana Home Detention Report.¹

¹Copies of documents are on file with the Legislative Information Center, in Room 230 of the State House. Contact Legislative Information by phone at (317) 232-9856 or by mail at 200 W. Washington St., Rm 230, Indianapolis, IN 46204-2789.

Mr. Bercovitz provided information on the following. (1) the definitions of probation and split sentences; (2) judicial responsibilities regarding probation; (3) probation monitoring and treatment programs; (4) a graph showing the increasing statewide probation population (i.e. from 1988 to 1997, a rise from 19,000 to 30,000 felons, and 63,000 to 118,000 misdemeanants); and (5) the number of probation officers has not increased in ten years. Iris Kiesling mentioned that IJC information does not account for county community corrections or parole programs which may serve similar probation-type functions.

Mr. Bercovitz related the following information. The probation function was transferred to IJC from the Department of Correction (DOC) in 1981. Prior to 1981, probation officer salaries varied widely. A planned study committee to examine salaries never met. State aid for probation services was described in IC 11-13-2-1, which was repealed by P.L.1-1995. The majority of current officers have six years or less experience, reflecting the five-year cap of the salary schedule. IJC has found that two-thirds of probation officers are paid at or below the minimum salary schedule. Officers are required to take a minimum of 12 hours annual continuing education classes. The IJC runs two mandatory orientation training sessions annually for new officers. The IJC provides training at its annual meeting and at regional meetings.

Mr. Bercovitz reviewed the probation case classification system which approximates the risk of a person committing another offense while on probation. Dave Powell asked whether counties are following recommended caseloads. Mr. Bercovitz replied that no analyses have been conducted. Mr. Powell asked if the state should pay for probation. Mr. Bercovitz stated his personal opinion that state aid be provided for probation since the state benefits from those placed on probation and not housed in DOC facilities.

John von Arx asked if the IJC has researched the effectiveness of probation. Mr. Bercovitz replied that effectiveness is difficult to determine. IJC tracks persons to determine whether they commit new crimes while on probation, but do not follow persons after probation to determine success or recidivism. Mr. von Arx added that no data exists on the program effectiveness, such as in the success rates of varying levels of supervision and whether more supervision is better. Mr. Bercovitz replied that national data suggests increased supervision is effective.

Sen. Patricia Miller asked why there are no statistics on probation recidivism. Mr. Bercovitz replied that there is little agreement on how recidivism should be defined, e.g., is it the commission of new crimes during probation, or for a period following probation? Sen. Miller requested that IJC supply the committee with summary statistics for the next meeting. Lilia Judson, State Court Administration, explained that information is published on number of probations revoked due to probation violations, but people are not tracked after their probation is served. Judge Ryan responded that Indiana does not use unique identifiers for persons in the criminal justice system, so computers in different areas of the system cannot cross reference data. Therefore, there is no means to determine whether probation works. State to state movement also causes tracking problems. Judge Ryan commented that Indiana sex offender registry reporting is ineffectual due to this problem.

Indiana Parole Services

David Ferguson, DOC Parole Services Supervisor, stated that every day activities of probation and parole officers are very similar, though administration is different. He stated the following information. The DOC Board of Correction establishes parole policies, standards, training, etc. Persons serving parole are serious offenders (mostly Class A, B and C felons) who have spent time in prison (those on probation may have served no time at all). Parole officers do not have a salary schedule, but were recently reclassified to a PAT 3 level. The statewide parole population is much smaller than that of probation, with a caseload of 4,500 to 5,000 persons. Officers perform special tasks such as assisting the parole board in clemency investigations for executions. Officer hiring requirements do not include a bachelor degree, though one is preferable. Parole caseloads are growing due to the presumptive length of parole was increased from one to two years in 1991 and changes in the sex offender law. Mr. Ferguson presented handouts on general parole information (districts, caseloads, services, etc.).²

²Copies of handouts are on file at the Legislative Information Center (see footnote 1).

Sen. Miller asked that the parole officer salary range be provided for the next meeting. Judge Ryan asked whether parole violations data had been analyzed. Mr. Ferguson replied that only raw data were available, e.g., of the 5,500 cases dealt with in FY 97, 258 were returned to DOC with new convictions, and 641 returned due to technical violations. He added that tracking of prior offenders is made more difficult by their traveling from state to state; Kentucky has many former Indiana prisoners.

Mr. Chamness asked if juvenile and adult data were available. Mr. Ferguson said he could provide it. He added that most juvenile parolees come from the Indiana Boys and Girls Schools, and few specialized services are directed toward juveniles due to their limited numbers in the parole population.

Joe Hooker asked if the anecdotal estimate that 60% of DOC inmate population had been incarcerated before was accurate. Mr. Hanks replied that it was. Mr. Powell added that studies indicate that most crimes occur in areas where those on probation and parole live. Judge Ryan asked if user fee-funded education and training assisted in reforming offenders. Mr. Ferguson replied that he did not know.

Probation Officer Issues in Indiana

Todd McCormack, Chair, Probation Officers Advisory Board, described his eight years as a chief probation officer. He stated that probation is extremely effective as a sentencing option. Judges place persons on probation to prove personal responsibility. If the person violates probation conditions, a judge will provide a jail sentence. All probation offices are different, though certain commonalities in day-to-day reporting and monitoring activities exist. Field contacts in homes are increasingly replacing office visits. Officers spend much time preparing documents and testimony for court. Probation officers also perform numerous other duties, including: collecting user fees; acting as banker for offenders; gathering urine samples; providing counseling/counseling referrals; alcohol and drug programming; community service monitoring; informal legal consulting; court administrative tasks; and public relations.

Mr. McCormack also said that there is little uniformity in probation officer duties because judges may assign additional duties when typically responsible agencies do not comply or perform them. Public perception of probation is ill-informed. Most people are disappointed when they find out that probation officers lack arrest powers. Safety is an increasing risk for probation officers, especially due to split sentences. The mentally ill are now showing up in increasing numbers at probation offices. Increasing the probation officer salary cap and extending the schedule to ten years would be helpful (very few counties pay above the IJC's minimum salary guidelines and often treat them as a maximum salary).

Mr. McCormack stated that instead of hiring more probation officers, fewer people should be put on probation. The probation caseload is increasing due to jail and prison overcrowding. About 5-10% of probationers should be in jail, but in instances where there is poor criminal evidence, plea arrangements may be struck with the implicit understanding that the offender will probably commit a new, jailable offense while on probation. Another 5-10% of probationers should not be on probation due to the trivial nature of the crime; e.g. hunting ordinance violations. Minor misdemeanors have a considerable effect on workloads. Also, resources are often misspent on presentence reports that rarely affect sentencing.

Mr. McCormack concluded with the following with the following comments. Promotion of probation officers is another problem. Chief probation officer positions are rarely open. Also, court political patronage causes officers to leave when their judges leave office, and officers are required to make political contributions in some courts. County residency requirements for probation officers are absurd. There is increased reliance on funding sources other than general funds. There is a lot of duplication of effort among courts, and this leads to inconsistent delivery of services from county to county. Court administration should consider unification of probation services.

Judge Ryan applauded the ideas of court unification, departmental effectiveness and allowing probation departments to focus on utilitarian issues. He suggested that courts be relieved of management functions (such as exists with federal courts). Rep. Foley asked if very many inappropriate cases (i.e. for minor offenses) come from city and town courts. Mr. McCormack replied that such cases are increasing the caseloads on officers.

Ms. Kiesling stated that Monroe County unified all of its courts with beneficial results. Mr. Powell asked if

probation officers should have arrest authority. Mr. McCormack responded that, although some of his personnel carry guns, most probation officers do not believe it is part of probation's role.

Lance Hamner asked what the qualification and salary differences are between local and federal probation. Mr. McCormack replied that federal officers require a masters degree and their salaries are commensurately higher.

Rep. Sturtz asked Mr. McCormack his feelings on a recent bill proposal that would have required persons who violated probation to be jailed immediately. Mr. McCormack supported this idea. Mr. McCormack added the following information: National studies indicate that the effectiveness of probation is no worse than jail or DOC, but is much less expensive. Nationally, up to 80% of people are released successfully. Mr. von Arx suggested that there are no indications on the effectiveness of probation. Mr. McCormack responded that no agreement exists on the success factors of probation; recidivism may not be the only appropriate measure. Mr. Chamness responded that one of the committee's purposes should be to develop ideas leading to uniformity in probation duties and outcome measures in Indiana.

There being no further business, the meeting ended at 3:50 p.m.